

ITEM:

SUBJECT: Amendments to the Basin Plan for the Control of Mercury in Cache Creek, Bear Creek, Sulphur Creek, and Harley Gulch – *Consideration of a Resolution to Adopt Proposed Amendments and Certify Environmental Documents*

BOARD ACTION: This is a hearing for the Regional Board to consider a resolution adopting amendments to the Basin Plan to regulate mercury and methylmercury discharges in the Cache Creek watershed.

BACKGROUND: Regional Board staff has developed a total maximum daily load (TMDL) report for mercury in Cache Creek, Bear Creek, Sulphur Creek, and Harley Gulch. The report discussed mercury sources including inactive mercury mines, contaminated streambed sediments, and watersheds with naturally occurring mercury in undisturbed soils. The TMDL report also described beneficial uses, numeric targets, and mercury and methylmercury load reductions required to protect those uses.

Staff is proposing amendments to the Basin Plan to implement the TMDL for Cache Creek and its tributaries. The Basin Plan staff report provides background information and evaluates several alternatives to reduce mercury and methylmercury loading in the watershed.

The proposed Basin Plan amendment contains methylmercury fish tissue objectives that will be protective of humans and wildlife that consume fish from the Cache Creek watershed. The amendment also proposed to add the commercial and sport fishing beneficial use to clarify the existing uses of Cache and Bear Creeks.

Alternatives discussed in the staff report include requiring mine owners to reduce the loads of total mercury entering the creeks by controlling erosion and discharge from the mines, requiring land managers and owners to reduce erosion of soils with elevated mercury concentrations, and reducing sources of methylmercury in both the upper and lower watersheds. The report also discusses potential remediation of streambed and banks containing mercury. More extensive cleanup is expected to achieve objectives sooner but at a substantial cost.

This agenda item contains the resolution with the draft amendment, staff report with alternative analyses, and the environmental checklist. The environmental checklist concludes that the proposed amendment has no potential for adverse effects on wildlife or the environment.

Staff will make a presentation at the Board meeting to discuss the proposed amendments and responses to public comments. The formal public comment period was still open at the time the Board agenda was prepared, therefore there may be additional public comments to consider and late revisions to the Basin Plan amendments and staff report. At this meeting, the Board may close the public comment period and may consider either adoption of a resolution or continue the item at a later meeting. The resolution includes:

- Adoption of the amendments to the Basin Plan,
- Certification of the environmental documents and direction to the Executive Officer to file a Notice of Completion with the State Clearinghouse, and
- Direction for the Executive Officer to sign a Certificate of Fee Exemption and submit this Certificate in lieu of payment of the Department of Fish and Game filing fee to the Secretary for Resources.

The TMDL report and draft Basin Plan staff report are also available on the Board's internet site at <http://www.waterboards.ca.gov/centralvalley/programs/tmdl/Cache-SulphurCreek/index.html>. Comments received by 8 June 2005 will be responded to in writing. Written responses to the public comments will be provided to the Board prior to the hearing.

ISSUES:

At the hearing, the Regional Board will be considering alternatives for:

- Water quality objectives to protect wildlife and humans consuming fish in the Cache Creek watershed, and
- An implementation plan to reduce mercury and methylmercury loads. The magnitude and costs of a load reduction program is dependent on the required time to achieve the water quality objectives.

Mgmt. Review \_\_\_\_\_

Legal Review \_\_\_\_\_

23/24 June 2005 Region 5 Board Meeting  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Dr. #200  
Rancho Cordova, CA 95670